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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,700	03/23/2004	Homer W. Fogle JR.	TRW(VSSIM)6735	2362

26294 7590 06/22/2006

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EXAMINER
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SLITERIS, JOSELYNN Y

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,700	<b>Applicant(s)</b> FOGLE, HOMER W.	
	<b>Examiner</b> Joselynn Y. Sliteris	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-9,13,15,18,19 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,11,12,14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 10 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03232004; 03042005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of the species of Figs. 1-3 in the reply filed on 5/11/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Applicant indicated that claims 1-3, 5, 6, 8-14, 16, 17, and 19-24 are readable on the elected species. Examiner also indicated on the Election Requirement mailed 3/20/06 that at least claims 1, 11, and 21 appeared to be generic. However, upon further consideration of the claims in light of applicant's election, examiner disagrees and notes that claims 4, 7-9, 13, 15, 18, 19, and 21-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/11/06.

### ***Specification***

3. The disclosure is objected to because of the following informalities: on page 14 line 12, "42" should be --40--. Appropriate correction is required.

### ***Claim Objections***

4. Claims 5 and 6 are objected to because of the following informalities: in claim 5 line 3 before "tool", --the-- should be inserted. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 6, 11, 12, 14, 16, and 17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Canterbury (US Patent Application Publication 2004/0212182), as cited by applicant.

7. Regarding claims 1-3, 5, and 6, Canterbury discloses an inflator 10 as in the present invention comprising:

a housing 11 including at least one exit port 14;

a container 30 in which is stored a fluid under pressure 21, the container 30 being located in the housing 11 and having opposite first 31 and second 32 ends;

a tool 37 located in the housing 11 adjacent the first end 31 of the container 30 for opening the first end 31 of the container 30; and

a pyrotechnic device 22 located adjacent the second end 32 of the container 30 and actuatable for propelling the container 30 through the housing 11 and into contact with the tool 37 so as to cause the tool 37 to open the first end 31 of the container 30 and enable a flow of fluid 21 from the container 30 toward the at least one exit port 14 of the housing 11;

wherein the flow of fluid 21 from the container 30 acts to propel the container 30 back through the housing 11 in a direction away from the tool 37, a portion (spacer-paragraph [0013], 24) of the housing 11 forming at least part of a stop mechanism for limiting movement of the container 30 away from the tool 37;

wherein the portion of the housing that forms at least part of the stop mechanism (spacer-paragraph [0013]) is a breech block, the breech block engaging the second end 32 of the container 30 to stop movement of the container 30 away from the tool 37;

further including a member for resisting 35 movement of the container 30 toward the tool;

wherein the member is a spring that biases the container 30 away from the tool 37.

8. Regarding claims 11, 12, 14, 16, and 17, Canterbury discloses an inflator 10 as in the present invention comprising:

a housing 11 including at least one exit port 14;

a container 30 in which is stored a fluid under pressure 21, the container 30 being located in the housing 11 and having opposite first 31 and second 32 ends;

a tool 37 located in the housing 11 adjacent the first end 31 of the container 30 for opening the first end 31 of the container 30; and

a device 22 that is actuatable for propelling the container 30 through the housing 11 and into contact with the tool 37 so as to cause the tool 37 to open the first end 31 of the container 30 and enable a flow of fluid 21 from the container 30 toward the at least one exit port 14 of the housing 11;

a portion of the housing (spacer-paragraph [0013], 24) forming at least part of a stop mechanism for limiting movement of the container 30 away from the tool 37 in response to the flow of fluid 21 from the container 30 acting to propel the container 30 away from the tool 37;

wherein the device 22 is a pyrotechnic initiator that is located adjacent the second end 32 of the container 30;

wherein the portion of the housing that forms at least part of the stop mechanism (spacer-paragraph [0013]) is a breech block, the breech block engaging the second end 32 of the container 30 to stop movement of the container 30 away from the tool 37;

further including a member for resisting movement 35 of the container 30 toward tool 37;

wherein the member is a spring that biases the container 30 away from the tool 37.

### ***Allowable Subject Matter***

9. Claims 10 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

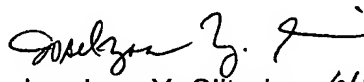
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Mon, Tues & Thurs 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joselynn Y. Sliteris 6/15/06  
Patent Examiner  
Art Unit 3616

JYS  
6/15/06

  
PAUL N. DICKSON 6/15/06  
SUPERVISORY PATENT EXAMINER  
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